THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28617 of 1996

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to proceedings Ref.No.BDL/04/52/0507 dated 16.12.1996 issued by the second respondent and quash the same as arbitrary, illegal, violative of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India.

According to the petitioner, he was appointed as Assistant-B with effect from 24.5.1973 in the second respondent organization and was promoted as Assistant-C in 1976 and further promoted as Assistant-D in the year 1979. Thereafter, he was promoted as Office Superintendent in the year 1985 and further promoted as Senior Office Superintendent in the year 1990 and he has been working as of now. While so, on 12.9.1996, the petitioner was invited to attend a programme conducted by the Institute of Systems Technology and Management of Bharat Dynamics during 18.9.1996 to 20.9.1996 and he participated in the said programme and he was issued with a certificate to that effect. Thereafter, the father of the petitioner died on 23.9.1996. To perform religious rituals, petitioner applied for leave for a period of 20 days and later he joined the duty and discharging official functions. However, the petitioner was issued with a letter dated 19.11.1996 advising him to adhere to the procedure in getting the leave sanctioned. Thereafter, by proceedings dated 23.11.1996, petitioner was requested to attend a counseling meeting on 30.11.1996 to discuss on the Man Power Utilisation/Increasing the Efficiency. Due to misfortune, the father-in-law of the petitioner died, and in order to attend to the religious rituals as per Hindu Customs,

petitioner applied for leave from 30.11.1996 to 19.12.1996 through application dated 2.12.1996. On the directions of the second respondent, petitioner obtained fitness certificate from the Assistant Professor of Surgery, Osmania Medical College and continued to attend the office. Thereafter, petitioner was issued with the impugned proceedings dated 16.12.1996 alleging that on 28.11.1996, he was requested to appear before the Medical Board, Osmania General Hospital, but he refused to do so, therefore, the Director of Medical Education was requested to refer the petitioner once again to Medical Board for examination and further decided not to allow the petitioner from attending the duties with immediate effect. Aggrieved by the same, the present writ petition is filed.

There is no necessity of going into all the details at this length of time. It is suffice to notice that this Court while admitting the writ petition on 3.1.1997, directed the respondents to permit the petitioner to discharge the duties as Office Superintendent pending medical examination and further orders from this Court. The said orders are not disturbed as on today. The impugned proceedings dated 16.12.1996 issued by the second respondent states that the petitioner is directed to report to Medical Board for examination and unless he appears before Medical Board and gets a fitness certificate, he would not allow to discharge the duties. The petitioner was prevented on the ground that he has to produce fitness certificate for the purpose of joining duty. I am of the opinion that the cause in this writ petition does not survive as of now and the impugned proceedings cannot be given effect to at this length of time.

Therefore, this writ petition is closed treating that the impugned proceedings issued by the second respondent stands cancelled as of now. No order as to costs.

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C.V.RAMULU,

J

Date: 22.3.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

22.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.28617 of 1996

Date: 22nd March, 2007

Between:

T.Subba Rao

.. Petitioner

And

Union of India, rep. by its
Secretary, Ministry of Defence,
New Delhi & another.

.. Respondents